

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORKUSDC SDNY
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JANICE D. GARNER, :
Plaintiff, : 08 Civ. 6367 (CM) (AJP)
-against- : SCHEDULING ORDER IN
MICHAEL J. ASTRUE, Commissioner :
of Social Security, : SOCIAL SECURITY CASE
Defendant. :
: ----- x -----

ANDREW J. PECK, United States Magistrate Judge:

A complaint having been filed on July 16, 2008,

IT IS HEREBY ORDERED that

1. Defendant is directed to answer the complaint by August 29, 2008.
2. Plaintiff shall move for judgment on the pleadings by September 19, 2008.
3. Defendant's opposition papers shall be served by October 3, 2008.
4. Plaintiff's reply papers shall be served and filed by October 10, 2008.
5. The parties are directed to follow the "Individual Practices of Magistrate

Judge Andrew J. Peck," a copy of which is enclosed.

* * *

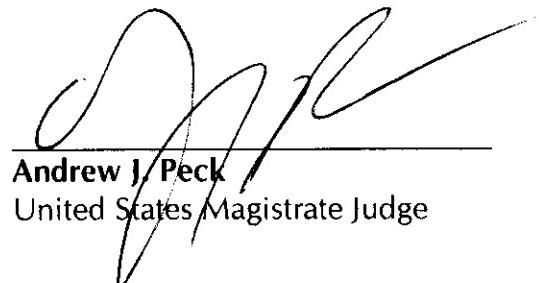
The parties shall advise the Court as to whether they jointly consent to decision of this action by a United States Magistrate Judge (that is, the undersigned), pursuant to the

enclosed forms and explanations. If both parties consent, they should complete counterparts of the forms and return them to my chambers. If either or both parties do not consent, Mr. Binder shall act as liaison and report to chambers that the parties do not consent, without indicating any particular party's consent or non-consent. (In other words, the Court does not want to know that party A consents and party B does not). This Order is not meant to in any way interfere with the parties' absolute right to decision by a United States District Judge (Judge McMahon), but is merely an attempt at preserving scarce judicial resources and reminding the parties of their option pursuant to 28 U.S.C. § 636(c).

Mr. Binder is to notify the Court by no later than September 19, 2008.

SO ORDERED.

DATED: New York, New York
July 22, 2008



Andrew J. Peck
United States Magistrate Judge

Copies to: Charles E. Binder, Esq. (Fax)
Michael J. Garcia, Esq., United States Attorney, S.D.N.Y.
Judge Colleen McMahon